

Serial No. 09/531,105

REMARKS

In accordance with the foregoing, claims 1, and 8-10 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-10 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102

In the Office Action at pages 2-6, numbered item 2, claims 1-10 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,457,126 to Nakamura, et al. This rejection is traversed and reconsideration is requested.

Independent claim 1 is directed to a storage device for maintaining information, which is accessed by a host device through a host interface, when power is OFF and being capable of executing a test process based on test signals. Independent claim 1 has been amended to recite "a memory including a plurality of memory locations and storing secret data or initial data" and "a decoding part decoding whether the data read out by the memory stored at the memory location in response to the data reading instruction is the secret data or the initial data." Independent claim 8 has been similarly amended. Independent claims 9 and 10 have been amended to recite that "a memory including a plurality of memory locations and storing secret data or initial data." Support for these amendments in independent claims 1, 8, 9, and 10 can be found in the originally filed Specification, at least at page 13, lines 25-27.

The amendments to claims 1, 8, 9, and 10 clarify that, according to the present invention, the memory including a plurality of memory locations stores secret data (the cipher key) or initial data. In a non-limiting example, "when no cipher key is stored in the cipher key storage area of the controller memory 56, predetermined initial data, such as all zero data, which is not used as a cipher key, is stored in the cipher key storage area of the controller memory 56." Specification at page 15, lines 10-15. Thus, according to the present invention, it is possible to determine whether or not secret data (cipher keys) are stored. Nakamura, in contrast, assumes that the cipher key is stored in the storage unit.

Further, according to Nakamura, data can be read out only when the password is confirmed by using the cipher key. According to the present invention, in contrast, if an access request is conducted to a memory location storing secret data (a cipher key), the test signal input

Serial No. 09/531,105

from the test terminal is cut off by a "cutting-off part." Thus, unlike Nakamura, if secret information (a cipher key) is stored in the memory, data cannot be read out.

Accordingly, Applicants respectfully submit that Nakamura fails to teach or suggest at least "a memory including a plurality of memory locations and storing secret data or initial data," and "a cutting off part," as recited in amended independent claims 1, 8, 9, and 10. Thus, Applicants respectfully submit that amended independent claims 1, 8, 9, and 10, and claims 2-7 depending therefrom, patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

May 25, 2005

By:

David M. Pitcher

David M. Pitcher
Registration No. 25,908

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on MAY 25, 2005

By: SVETLANA HOGE

Date: 05/25/05